

as unpatentable over Halpern in view of Lestatican and Yound and further in view of Bonar (U.S. 5,152,075)

Halpern is said to teach reading power consumption data using an automatic reader, collecting that data from the reader into a computer memory device, creating a forecast of electric power consumption for a predetermined period of time using a computer system wherein the computer systems is used in the creation of a forecast based on usage for a portion of the predetermined period of time. Lestician is said to then teach controlling power consumption by controlling a device that consumes energy based on the forecast. Young is then said to show controlling manually by hand.

Halpern, however, refers to his invention in col 2, lines 23-45 as simply storing real time and historical usage and utility rate information and then calculating savings from using higher efficiency devices. Halpern describes his invention as one that merely "measures and records the power usage of various devices installed at facilities over a predetermined period of time." (col 1, lines 12-14). No notation is made of any attempt to target an amount of consumption, forecast the amount of consumption and control consumption in such a way that usage falls below the target amount.

Lestician, while teaching controlling, does not control to a target amount. Rather, Lestician employs a generalized and undefined savings scheme which has a wide ranging and untargeted savings: "An average monthly electric bill of \$140 should be reduced to \$105.00 in the worst case; to \$84.00 in a best case." (col 10, lines 1-39). Young adds no additional usage features taught in the present invention but merely speaks of controlling devices by hand (col 2, lines 30-35)

Bonar, while mentioning a rebate for energy efficiency, describes his invention as one which "provides an alternative source of energy for operating a clothes dryer. Briefly, the invention includes an apparatus for removing moisture from clothing." (col. 1, lines 42-44). Applicant has cancelled claims 15 and 39 which deal with rebates.

Independent claim 1 together with dependent claims 14 and 15 are also rejected as

a double patenting rejection. As noted in the Detailed Action, double patenting can be overcome by canceling or amending the conflicting claims so they are no longer coextensive in scope.

In order to address the issues of double patenting, provisions of claims 1, 14 and 15 have been combined into a single independent claim, together with additional language for clarification. Applicant submits that neither Halpern, Lestacian or Young, individually, or in combination, teach the newly amended claim 1:

A method of monitoring and controlling power consumption comprising:
connecting a current transducer and a voltage wire to an automatic reader to
measure power consumption (supported at least in Figure 2 and Page 7, lines 3-14)
collecting data from [the] one or more readers into a [computer memory] data
collection unit; (supported at least in Page 6, lines 3-8)
creating a target amount of power consumption for a predetermined period of
time (supported at least in Page 3, lines 23-27) wherein the target amount may be any of a
group including amperage, amperage hours, kilovolts, kilovolt hours, watts, watt hours
(supported at least on Page 7, lines 15 – 19) and currency (supported at least on Page 3,
lines 15 -18)
wherein the computer system is used in the controlling one or more devices based
on the forecast so that usage for the predetermined period of time falls below the target
amount (supported at least on Page 3, lines 23-27)

Independent claim 8 together with its related dependent claims 38 and 39 are also rejected as a double patenting rejection. In order to address the issues of double patenting for these claims, provisions of claims 8, 38 and 39 have been combined into a single independent claim together with additional language for clarification. Applicant additionally submits that neither Halpern, Lestacian or Young, individually, or in combination, teach the newly amended claim 8:

A system for monitoring and controlling power consumption comprising:
a current transformer and a voltage wire connected to a reader wherein the reader
calculates [for obtaining] power consumption data for a power circuit; and;

a data collection unit to obtain the data from one or more readers and,
a target amount for power consumption for a predetermined period of time for the
power circuit wherein the target amount may be any of a group including amperage,
amperage hours, kilovolts, kilovolt hours, watts, watt hours and currency; and,
a computer system for collecting the data from the [reader] one or more data
collection units wherein the computer system is used in the creation of a forecast of
electric power consumption [for a predetermined period of time based on usage for a
portion of the predetermined period of time] and wherein a device that consumes power
is controlled based on the forecast to allow power consumption for the circuit to end the
predetermined period of time below the target amount.

Additionally, applicant has added claims 40 and 41 which show a unique use of live and historical data within the computer system though the use of Microsoft Excel. This is demonstrated at least in page 9, lines 14-17 of applicants filing.

Applicant thus submits that these revised independent claims place them into a condition for allowance both because they are not taught by Halpern in view of Lestacian and in view of Young and, because elements of multiple claims have been combined into two single claims – Numbers 1 and 8 - which is eliminates the reason for the double patenting rejection. The dependent claims, should be allowable at least because they depend on independent claims which applicant believes are now in a condition for allowance.

Therefore, applicant requests to amend the application as follows and asks that the examiner consider the remarks for allowance.

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CONCLUSION

Thus, in light of the above, having responded to each and every ground of rejection, Applicant respectfully requests reconsideration and allowance of the pending claims in the above-mentioned application and respectfully requests that a Notice of Allowance be issued in this case.

Respectfully submitted,

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CERTIFICATE OF TRANSMISSION (37 CFR 1.8(a))

This is a response to the final action and is being mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Response to Office Action

This date, September 15, 2005.

Robert R. Hunter